

# Exhibit A

**From:** [Paschal, Hogan](#)  
**To:** [Wasim, Roshaan](#); [joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)  
**Cc:** [Adam Moskowitz](#); [Wells, Molly](#); [David Boies](#); [Brooke Alexander](#); [Joseph Saveri](#); [Miller, Kerry](#); [Rejane Passos](#); [Barbara C. Lewis](#); [Buchwald, Lara Samet](#); [Martins, Tatiana R.](#)  
**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)  
**Date:** Friday, January 12, 2024 12:38:00 PM

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Thank you, Roshaan.

We do not agree that the EPOJA bars compliance with the Federal Rules or Judge Moore's order for reasons stated on our January 4 call and in our motion to compel pending with the magistrate judge. Nor do we agree that our requests are beyond the scope of Judge Moore's request. He granted leave to conduct jurisdictional discovery and recognized that such discovery may overlap with the merits of plaintiffs' civil conspiracy and intentional tort claims (e.g., relating to knowledge or awareness of FTX's misconduct, and/or express or implied agreement to participate in that misconduct, as well as assistance therewith). Our requests are tailored to plaintiffs' theories of jurisdiction and fall within the ambit of Judge Moore's order.

In my email of last night, I also requested that you provide dates for your clients' depositions prior to February 1 to facilitate the timely taking of those depositions, if and promptly after the magistrate rules that plaintiffs may take them. Please let us know of those dates as soon as you can.

Best,  
Hogan

Hogan Paschal  
[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)

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**From:** Wasim, Roshaan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)>  
**Sent:** Friday, January 12, 2024 10:43 AM  
**To:** Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>; [joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)  
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**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Hogan,

As we have repeatedly explained, our clients cannot respond to your discovery requests without them being compliant with: (1) the applicable procedures under the Bahamas Evidence (Proceedings in Other Jurisdictions) Act ("EPOJA"); and (2) the scope of Judge Moore's order, which authorized limited jurisdictional discovery.

As previously explained, including on our call on January 4, Deltec and Mr. Chalopin are Bahamian citizens and residents who are bound by the laws of their home jurisdiction, which includes banking laws that prohibit them from disclosing the information sought in your discovery requests absent an appropriate order issued pursuant to EPOJA. We have explained to you the procedures that you may follow pursuant to EPOJA to obtain discovery from Deltec and Mr. Chalopin in The Bahamas, and we have also provided you with precedent from the Southern District of Florida demonstrating application of EPOJA's procedures.

As also discussed on our call on January 4, the scope of your discovery requests is far beyond the limited jurisdictional discovery authorized by Judge Moore, and the majority of your requests have no relevance to jurisdictional issues. We have encouraged you to appropriately tailor your requests to comply with Judge Moore's order.

We are happy to set up a call if you would like to have a discussion on obtaining appropriately tailored discovery pursuant to EPOJA's procedures. If so, please let us know windows this afternoon that work for you.

Best,  
Roshaan  
**Roshaan Wasim**

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**From:** Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>

**Sent:** Thursday, January 11, 2024 8:57 PM

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**Cc:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Wells, Molly <[mwells@fishmanhaygood.com](mailto:mwells@fishmanhaygood.com)>;

David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Barbara C. Lewis <[barbara@moskowitz-law.com](mailto:barbara@moskowitz-law.com)>; Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>; Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>

**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Roshaan,

In compliance with the Magistrate Judge's orders on the pending motions in advance of next Wednesday's hearing, please confirm whether you will stand on the objections to the discovery served on Deltec and Mr. Chalopin on December 22, 2023 (see ECF No. 447, Exhibit 2), whether you

will be withdrawing any of those objections, and what (if any) other specific objections you have regarding the discovery requests pending against your clients.

Please also provide us with confirmed dates for your clients' depositions in advance of February 1st, and what documents and responses you are not objecting to producing to us in advance of each of those depositions.

We are happy to have another call if needed upon your written responses to the above. Thank you.

Hogan Paschal  
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**From:** Wasim, Roshaan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)>

**Sent:** Friday, January 5, 2024 6:12 PM

**To:** [joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)

**Cc:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Wells, Molly <[mwells@fishmanhaygood.com](mailto:mwells@fishmanhaygood.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Barbara C. Lewis <[barbara@moskowitz-law.com](mailto:barbara@moskowitz-law.com)>; Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>; Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>

**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Some people who received this message don't often get email from [roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com). [Learn why this is important](#)

Counsel – we disagree with your assertion that this procedure is unnecessary . As discussed yesterday, Deltec and Mr. Chalopin are bound by Bahamian law, which prohibits the disclosure of evidence you are seeking absent an authorizing order from a Bahamian court pursuant to the Act; Judge Moore's order does not obviate Deltec's and Mr. Chalopin's obligations under Bahamian law. We intend to raise this matter with the court early next week as we appear to be at an impasse.

Best,  
Roshaan

**Roshaan Wasim**

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**Sent:** Friday, January 5, 2024 10:02 AM

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**Subject:** Re: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Hello Roshan,

Thanks for sending this along, and for the call yesterday with our team.

Based on a review of the materials you've provided and our research, this procedure appears to be unnecessary, as both Deltec and Mr. Chalopin are Defendants in this action (not third party witnesses) and are not themselves subject to liquidation proceedings in the Bahamas. Meaning that Mr. Chalopin and Deltec have possession, custody, and/or control over all documents and information we seek, and are both able and required to produce them in accordance with the Court's order. There is further nothing preventing Mr. Chalopin from testifying both in his personal capacity and as the corporate representative of Deltec (same goes for any other selected corporate representative of Deltec).

As we made clear on the call yesterday, unless there are any materials you can send us today that show definitively that this permissive (and apparently inapplicable) statutory procedure is actually applicable, mandatory, and the sole avenue for obtaining this Court-ordered discovery from your clients, we will be constrained to seek Court intervention.

Let us know, thanks

Best,

Joseph M. Kaye, P.A.  
Partner

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On Jan 5, 2024, at 9:30 AM, Wasim, Roshaan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)> wrote:

Counsel:

As discussed on yesterday's call, attached are some examples of the application of the Bahamas Evidence (Proceedings in Other Jurisdictions) Act in a proceeding in the Southern District of Florida. Please advise whether you intend to comply with the statutory procedure.

Best,  
Roshaan

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**From:** Wasim, Roshaan

**Sent:** Wednesday, January 3, 2024 3:10 PM

**To:** 'joseph@moskowitz-law.com' <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Wells, Molly <[mwells@fishmanhaygood.com](mailto:mwells@fishmanhaygood.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Barbara C. Lewis <[barbara@moskowitz-law.com](mailto:barbara@moskowitz-law.com)>

**Cc:** Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>; Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>

**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Joseph,

Thank you – 5:30 EST tomorrow works on our end. We will circulate a dial-in.

In response to your questions: (1) Your motion requesting jurisdictional discovery attached your proposed discovery requests, which did not include deposition notices to Deltec Bank or Mr. Chalopin. (See ECF No. 348, Exhibit D.) Judge Moore thus had no occasion to consider, nor does his order authorize, depositions of Deltec Bank or Mr. Chalopin. (2) Deltec Bank and Mr. Chalopin are Bahamian residents and citizens, and thus are bound by Bahamian law. The Bahamas (Proceedings in Other Jurisdictions) Act bars the disclosure of evidence in connection with foreign proceedings, including documents and testimony, located in The Bahamas without the requesting party first making an application to the Bahamas Supreme Court. The statute is available on the Central Bank of The Bahamas website: [Evidence \(Proceedings in Other Jurisdictions\) Act](#).

Best,  
Roshaan

**Roshaan Wasim**

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**Sent:** Wednesday, January 3, 2024 2:00 PM

**To:** Wasim, Roshaan <[roshaan.wasim@davispolk.com](mailto:roshaan.wasim@davispolk.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Wells, Molly <[mwells@fishmanhaygood.com](mailto:mwells@fishmanhaygood.com)>; David Boies <[dBoies@BSFLLP.com](mailto:dBoies@BSFLLP.com)>; Brooke Alexander <[balexander@bsfllp.com](mailto:balexander@bsfllp.com)>; Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>; Joseph Saveri <[jsaveri@saverilawfirm.com](mailto:jsaveri@saverilawfirm.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>; Rejane Passos <[rejane@moskowitz-law.com](mailto:rejane@moskowitz-law.com)>; Barbara C. Lewis <[barbara@moskowitz-law.com](mailto:barbara@moskowitz-law.com)>

**Cc:** Buchwald, Lara Samet <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>; Martins, Tatiana R. <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>

**Subject:** Re: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Hello Roshaan,

I am looping in my paralegal, Rejane, so that we can set a time for all of us to confer on your objections to our requests. We have 5:30pm EST tomorrow open on our end (let me know if anyone else has a conflict).

Please send us any authority you have for your arguments that (1) depositions are not included within the Court's order that "Plaintiffs shall have 45 days from the date of this order to conduct limited jurisdictional discovery," and (2)

the Bahamas Evidence Act controls to bar the discovery ordered by Judge Moore.

Thank you

Best,

Joseph M. Kaye, P.A.  
Partner

[<image001.png>](#)

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**Sent:** Wednesday, January 3, 2024 1:39 PM

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**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)

Counsel:

We represent Deltec Bank and Jean Chalopin. We are reaching out in connection with the deposition notices and requests for production you served



on Deltec Bank and Mr. Chalopin on the evening of Friday, December 22.

Deltec Bank and Mr. Chalopin object to the discovery requests on multiple grounds, including because Judge Moore's order permitting jurisdictional discovery did not authorize depositions of either Deltec Bank or Mr. Chalopin, and because the Bahamas Evidence (Proceedings in Other Jurisdictions) Act bars Deltec and Mr. Chalopin from sitting for a deposition or producing any documents without first obtaining an order from the Supreme Court of The Bahamas that authorizes the production of such evidence.

We suggest that we confer on these issues. Please let us know if you are available to discuss on Thursday 1/4 from 8:30-9 a.m. or after 5 p.m. ET or Friday 1/5 from 8-8:30 a.m. ET.

Best,  
Roshaan  
**Roshaan Wasim**

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Begin forwarded message:

**From:** "Paschal, Hogan" <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>

**Date:** December 23, 2023 at 4:04:33 AM GMT+1

**To:** "Kelly, Ty" <[tykelly@bakerdonelson.com](mailto:tykelly@bakerdonelson.com)>, "Bonaventure, Frank" <[fbonaventure@bakerdonelson.com](mailto:fbonaventure@bakerdonelson.com)>, "Dorough, Marisa" <[mdorough@bakerdonelson.com](mailto:mdorough@bakerdonelson.com)>, "Buchwald, Lara Samet" <[lara.buchwald@davispolk.com](mailto:lara.buchwald@davispolk.com)>, "Martins, Tatiana R." <[tatiana.martins@davispolk.com](mailto:tatiana.martins@davispolk.com)>, "Cooney, Mallory M." <[Mallory.Cooney@klgates.com](mailto:Mallory.Cooney@klgates.com)>, "Moore, Desiree F." <[Desiree.Moore@klgates.com](mailto:Desiree.Moore@klgates.com)>, "Ehrlich, Andrew J" <[aehrich@paulweiss.com](mailto:aehrich@paulweiss.com)>, [bkarp@paulweiss.com](mailto:bkarp@paulweiss.com), "Beer, Alex" <[abeer@paulweiss.com](mailto:abeer@paulweiss.com)>, "Kovalenko, Nina" <[nkovalenko@paulweiss.com](mailto:nkovalenko@paulweiss.com)>, Adam Fels <[afels@ffslawfirm.com](mailto:afels@ffslawfirm.com)>, [mmix@morrisoncohen.com](mailto:mmix@morrisoncohen.com), [vupadhyaya@morrisoncohen.com](mailto:vupadhyaya@morrisoncohen.com), [jgottlieb@morrisoncohen.com](mailto:jgottlieb@morrisoncohen.com)

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**Subject: FW: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Discovery Orders)**

Counsel,

I'm forwarding the correspondence below regarding jurisdictional discovery in the above captioned matter and attaching the discovery requests referenced therein.

Best and happy holidays,  
Hogan

Hogan Paschal  
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**Subject:** RE: Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al  
(Discovery Orders)

Dear FTX Defense Counsel: We hope you all have a happy and healthy holiday. Earlier this week, we all reviewed the Court's new Orders (DE 422 and DE 423): (1) allowing the class to serve jurisdictional discovery upon the appropriate Defendants, and (2) appointing a Magistrate to decide and rule upon, any and all objections raised to this jurisdictional discovery (see Footnote 3 of DE 422).

As per Court Order, we will serve each Defendant with jurisdiction discovery today. The Court has set a very tight time table, so here is our schedule: (1) Defendants will raise any and all objections with the Magistrate by January 5<sup>th</sup> (2 weeks), (2) any defendant that raises objections will contact Brooke and Joey to arrange meet and confer sessions, to take place between January 5th-9th, (3) we will request the Magistrate rule upon any remaining objections by January 12th, (4) we will conduct the depositions as per the Notices, but please let Brooke and Joey know if you would like to suggest a change to any of the dates and/or locations, (5) the Court required us to complete all of this jurisdictional discovery by Thursday, February 1st, and (6) we can file any Supplements with the Court on jurisdiction by February 16th.

Thank you for all of your cooperation and professionalism and have a wonderful holiday and new year. Adam and David

PS: Please make sure to forward this email to any FTX defense counsel that has been added since our last group email.

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**Subject:** Activity in Case 1:22-cv-23753-KMM Garrison v. Bankman-Fried et al (Joint Scheduling Report)

**To all FTX Defendants and their Counsel:**

All of you should have reviewed the recent Order by Judge Moore, which requires the Parties to comply with the prior Order and file the Joint Scheduling Order by this Friday. Attached is a fully drafted JSO and we certainly look forward to reviewing your revisions, suggestions and/or edits this week. Please let us know if you have selected one (or more) counsel to serve as Liaison Counsel, but in the abundance of caution, we have copied all counsel (and *pro se*) of record.

We have spent great efforts (4 different service companies) trying to get all of you served with our Complaint. Since we filed this action many weeks ago, we appreciate that many of you have been cooperative, have proactively accepted service of the complaint, and have entered your appearances. Others have been more difficult to serve and are now joining these proceedings, either *pro se* or through counsel. Only one, however, has chosen instead to evade service, in order to draw out these proceedings, or to otherwise attempt to avoid answering for these allegations.

In any event, Defendants have now been served and are before the Court (or will soon be). The sole remaining Defendant to accept service of the complaint is Defendant Mr. Shaquille O'Neal, who we know has discussed the existence of this case, but is apparently still actively evading service, refusing to answer his home door when approached by our process servers. We have reached out to his last known litigation counsel, and if any defense counsel are aware of who will represent Mr. O'Neal in this action (or are in contact with Mr. O'Neal), please forward this email to them, so we can ensure all Defendants are served and join in this Meet and Confer.

In furtherance of this goal, and in accordance with the Court's Order, attached for Defendants' review and input is a draft proposed Joint Conference Report and proposed Scheduling Order. We have included Plaintiffs' position and designated areas for Defendants to include their respective positions, to the

extent they differ from Plaintiffs'. Please advise when there are points that are not in dispute so we can revise those points to be made jointly.

We will hold the Joint Scheduling Conference to discuss the report **via Zoom on Thursday at 1:00pm EST**, so we can all discuss any and all points in dispute and finalize the report for filing by Friday afternoon, as Ordered by the Court. We will send a calendar invite with Zoom information to each of you, so please forward the instructions to anyone and everyone that you know will be involved in this matter, but are not copied on this email.

Thank you,

Adam Moskowitz and David Boies

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